IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

ARBITRATION PETITION (LODGING) NO.8 OF 2007

M/s.Ambarwadikar & Co. Petitioner
vs.
Union of India & anr. Respondents

Mr.V.G.Mujumdar i/b.Mr.Rajendra Mehta for the petitioner.

Mr.T.J.Pandian for respondents 1 & 3.

CORAM : ANOOP V. MOHTA,J.

DATED : 5th April, 2007

P.C.

The petitioner has moved Section 9 petition under the Arbitration & Conciliation Act, 1996 for seeking an injunction restraining the respondents from invoking the Bank Guarantee. This Court by an order dated 21.2.2007 after hearing both the parties, has already declined to grant ad-interim relief against the invocation of Bank Guarantee in question.

2. After hearing both the parties and after going through the averments made in the petition, I am of the view that all these averments reflect nothing but various alleged breaches committed by the respondents. Law is settled that this cannot be one of the reason to pass such order of injunction as prayed.

3. The petitioner has already invoked arbitration clause. Considering this, I am not inclined to grant relief as prayed in terms of prayer (b) as referred to above.

4. In so far as prayer (a) is concerned, the petitioner is not pressing the same at this stage as the respondents have already started taking the measurement of the work. The petition is, therefore, dismissed.

[ANOOP V. MOHTA,J.]